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Attorney's Docket No.: 00565-073001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Swift et al.  
Serial No. : 10/815,967  
Filed : March 31, 2004  
Title : MICROSCOPE WITH ADJUSTABLE STAGE

Art Unit : 2872  
Examiner : Robinson, Mark A.

**Mail Stop Amendment**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Responsive to the action mailed August 3, 2005, applicant elects Invention I including claims 1 and 8.

Notwithstanding the above election, the applicant respectfully traverses the restriction. In particular, the applicant submits that Invention II is not distinct from Invention I. The Examiner states that Invention II as set forth in claim 2 is drawn to a microscope with the specifics of the secondary stage height adjuster and releasable stage. The applicant points out that a microscope with a secondary stage height adjuster and a releasable stage is recited in claim 1. Accordingly, Invention I should also include claim 2.

Second, the Examiner states that Invention IV as set forth in claims 6 and 7 is drawn to a microscope with specifics of the secondary stage height adjuster and light source. The applicant points out that a microscope with a secondary stage height adjuster and a light source [referred to as an "illuminator" in the 6<sup>th</sup> limitation] is recited in claim 1. Accordingly, Invention I should also include claims 6 and 7.

Applicant therefore respectfully submits that Invention I include at least claims 1, 2 and 6-8.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

September 1, 2005

Date of Deposit

Signature

Sarah E. Hoke

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If the Examiner agrees with the applicant's submissions, then the applicant hereby withdraws claims 3-5 and 9-23. If the Examiner disagrees with the applicant's submissions, then the applicant hereby withdraws claims 2-7 and 9-23.

Brenda Leeds Binder has been given limited recognition under 37 CFR § 11.9(b) as an employee of the Fish & Richardson PC law firm to prepare and prosecute patent applications wherein the patent applicant is a client of Fish & Richardson PC and the attorney or agent of record in the applications is a registered practitioner who is a member of Fish & Richardson, which is the case in the present application.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: Sep 1/05

  
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